IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25512 of 2005

Between:

Sandepogu Jakaraiah.

..... PETITIONER

AND

The District Collector, Ongole,

Prakasam District and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the order of the 3rd respondent in proceedings in RCH/1986/2004, dated 05.07.2005 cancelling the permanent fair price shop dealership authorization of the petitioner and the order of the 2nd respondent in proceedings in RCCS2/2890/2005, dated 10.10.2005 confirming the order of the 3rd respondent and the consequential action of the 1st respondent in not considering the statutory revision and the stay petition filed by the petitioner against the orders of the 2nd and 3rd respondents, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner is a fair price shop dealer and his dealership has been cancelled by the 3rd respondent vide proceedings dated 05.07.2005. Against which, the petitioner filed an appeal before the
2nd respondent, which was also dismissed on 10.10.2005. Aggrieved by the same, the petitioner filed revision before the 1st respondent along with stay application, but no orders have been passed either on the stay application or in the revision filed on 27.10.2005.

The learned counsel for the petitioner submitted that a show cause notice was issued on 12.10.2004 and based on which the authorization was suspended for a period of two months by proceedings dated 08.11.2004. He further submitted that no subsequent show cause notice has been issued to the petitioner for cancellation of his authorization, in spite of directions given by the 2nd respondent vide his proceedings dated 04.03.2005, directing the 3rd respondent to conduct proper enquiry giving sufficient opportunity to the petitioner.

Admittedly, against the cancellation order of authorization dated 05.07.2005, the petitioner filed an appeal before the 2nd respondent and the 2nd respondent

dismissed the said appeal on 10.10.2005, and against which, the petitioner filed revision before the 1st respondent. As the revision is pending, I am of the opinion that it is just and proper to grant stay of the impugned order, as the allegations made against the petitioner are not grave and serious in nature.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

1st respondent to consider and dispose of the revision, as expeditiously as possible, in accordance with law, after giving a reasonable opportunity to the petitioner. Till then, the operation of the impugned order of the 3rd respondent dated 05.07.2005, as confirmed by the

2nd respondent on 10.10.2005, shall be kept in abeyance.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 30.11.2005

Dsr

Note:

Issue CC in 3 days

B/o

Dsr